E/2015/22
E/C.12/2014/3

Committee on Economic, Social and Cultural Rights

Report on the fifty-second and fifty-third sessions

(28 April–23 May 2014, 10–28 November 2014)

Economic and Social Council

Official Records, 2015

Supplement No. 2

United Nations

Please recycle

E/2015/22
E/C.12/2014/3

Committee on Economic, Social and Cultural Rights

Report on the fifty-second and fifty-third sessions

(28–April–23 May 2014, 10–28 November 2014)

Economic and Social Council

Official Records, 2015

Supplement No. 2

United Nations
New York and Geneva, 2015

Note

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

E/2015/22
E/C.12/2014/3

Contents

		Paragraphs	*Page*
I.	Organizational and other matters	1–17	1
	A. States parties to the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol	1	1
	B. Sessions and agenda	2–6	1
	C. Membership and attendance	7–9	2
	D. Pre-sessional working group	10–12	3
	E. Organization of work	13	3
	F. Next sessions	14	3
	G. Reports of States parties scheduled for consideration by the Committee on Economic, Social and Cultural Rights at its upcoming sessions	15–17	4
II.	Overview of the present working methods of the Committee on Economic, Social and Cultural Rights	18–59	5
	A. Impact of measures adopted by the Committee to address the backlog	20–24	5
	B. General reporting guidelines	25	6
	C. Examination of the reports of States parties	26–37	6
	D. Follow-up procedure in relation to the consideration of reports	38–40	8
	E. Procedure in response to non-submitted and considerably overdue reports	41–42	8
	F. Submission of several reports in one document	43–44	9
	G. Action by the Committee with regard to information on economic, social and cultural rights received from sources other than States parties	45–50	10
	H. Day of general discussion	51	11
	I. Other consultations	52	11
	J. Participation of non-governmental organizations in the work of the Committee	53–54	11
	K. General comments	55–58	11
	L. Statements and letters adopted by the Committee	59	12
III.	Submission of reports by States parties under articles 16 and 17 of the Covenant	60–62	13
IV.	Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant	63–65	13
V.	Activities of the Committee under the Optional Protocol	66	15
VI.	Substantive issues arising in the implementation of the Covenant	67	16
VII.	Additional decisions adopted and matters discussed by the Committee at its fifty-second and fifty-third sessions	68–75	16
	A. Participation in intersessional meetings	68	16
	B. Future general comments and statements	69–70	16

	C. Working methods of the Committee	71–77	17
VIII.	Other activities of the Committee in 2014	78–81	18
IX.	Adoption of the report	82	18
Annexes			
I.	Members of the Committee		19
II.	Agendas of the Committee at its fifty-second and fifty-third sessions		20
	A. Agenda of the fifty-second session of the Committee on Economic, Social and Cultural Rights (28 April–23 May 2014)		20
	B. Agenda of the fifty-third session of the Committee on Economic, Social and Cultural Rights (10–28 November 2014)		20
III.	Guidelines on the independence and impartiality of members		22

Chapter I
Organizational and other matters

A. States parties to the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol

1. As at 28 November 2014, the closing date of the fifty-third session of the Committee, 162 States were parties to the International Covenant on Economic, Social and Cultural Rights. The Covenant was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. It entered into force on 3 January 1976, in accordance with the provisions of its article 27. The Optional Protocol to the Covenant was adopted by the General Assembly in resolution 63/117 on 10 December 2008 and was opened for signature and ratification in New York on 24 September 2009. It entered into force on 5 May 2013, three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification. The following 18 States have ratified the Optional Protocol: Argentina, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Cape Verde, Costa Rica, Ecuador, El Salvador, Finland, Gabon, Luxembourg, Mongolia, Montenegro, Niger, Portugal, Slovakia, Spain and Uruguay.

B. Sessions and agenda

2. At its twelfth session in May 1995, the Committee requested the Economic and Social Council to authorize it to hold two annual sessions, in May and November, each of three weeks' duration, and two meetings of a pre-sessional working group of five members to meet for five days immediately after each session to prepare the list of issues for consideration at the subsequent session. The Council, in its resolution 1995/39 of 25 July 1995, endorsed the recommendation of the Committee.

3. The Committee, through its draft decision submitted to the Economic and Social Council (E/2012/22, para. 5), requested approval for the extension of the two annual sessions of the Committee by one week each, that is two extra weeks of meeting time per year, and the participation in meetings of the pre-sessional working group of up to 10 members of the Committee in both 2013 and 2014. By resolution 2012/29 the Economic and Social Council approved a total of two extra weeks of meeting time (one in 2013 and one in 2014) and the participation of up to 10 members of the Committee in both pre-sessional meetings of the working group in 2013. The Council also requested the Committee to continue to improve the efficiency of its working methods and to include in its reports information on the impact of the measures adopted by the Committee to address the backlog. That information is presented in chapter II A.

4. In resolution 67/246 (section VI, para. 2), the General Assembly endorsed the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions (A/67/577, paras. 7–14), indicating that the Secretary-General should make every effort to absorb the additional requirements.

5. In 2014, the Committee held its fiftieth-second session from 28 April to 23 May, which included one additional week of meeting time and its fifty-third session from 10 to 28 November. Both sessions were held at the United Nations Office at Geneva. The agenda for each session is included at annex II to the present report.

6. An account of the deliberations of the Committee at its fifty-second and fifty-third sessions is contained in the relevant summary records (E/C.12/2014/SR.1–40 and E/C.12/2014/SR.41–70, respectively).

C. Membership and attendance

7. A number of specialized agencies and United Nations organs and departments submitted information and observed the dialogues held during the fifty-second and fifty-third sessions.

8. The following non-governmental organizations (NGOs) in consultative status with the Economic and Social Council were represented by observers:

At the fifty-second session:	Canadian HIV/AIDS Legal Network, China NGO Network for International Exchanges, Congregation of Our Lady of Charity of the Good Shepherd, Edmund Rice International, Foodfirst Information and Action Network (FIAN), Franciscans International Indonesia, Geneva for Human Rights – Global Training, Mental Disability Advocacy Center, Norwegian Refugee Council
Special consultative status or roster:	Amnesty International, Center for Reproductive Rights, International Commission of Jurists, League of Human Rights
At the fifty-third session:	Center for Reproductive Rights Nepal, FIAN, Geneva for Human Rights – Global Training, International Commission of Jurists, International Organization for the Right to Education and Freedom of Education (OIDEL)
Special consultative status or roster:	Amnesty International Romania and Nepal, International Commission of Jurists Nepal, Programme on Women's Economic, Social and Cultural Rights Nepal

9. Other national and international NGOs and coalitions of national NGOs were represented by observers at the fifty-second and fifty-third sessions, as follows:

(a) Fifty-second session: Anti-Domestic Violence Coalition of Macao, China, China Disabled Persons' Federation, Chinese Human Rights Defenders, Chinese People's Association for Peace and Disarmament, Society for Community Organization, Global Initiative for Economic, Social and Cultural Rights, Hong Kong Human Rights Monitor, I Can Live Coalition (Lithuania), Indonesian Civil Society Network on Economic, Social and Cultural Rights Advocacy, Indonesian Women's Coalition for Justice and Democracy, International Campaign for Tibet, International NGO Forum on Indonesia Development (INFID), Labour Action China, Rainbow Action Hong Kong, UNISON-China, Unrepresented Nations and Peoples Organization (UNPO) China, World Uyghur Congress China.

(b) Fifty-third session: Euroregional Center for Public Initiatives, Khmers Kampuchea-Krom Federation, Viet Nam Committee on Human Rights, Women's Rehabilitation Center (WOREC) Nepal.

D. Pre-sessional working group

10. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members of the Committee, to be appointed by the Chair of the Committee to meet for up to one week prior to each session. By decision 1990/252 of 25 May 1990, the Council authorized the meetings of the working group to be held one to three months prior to a session of the Committee.

11. The Chair of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group to meet:

Prior to the fifty-third session:

Mr. Chandrashekhar Dasgupta (Chair)

Mr. Zdzislaw Kedzia

Mr. Azzouz Kerdoun

Mr. Renato Ribeiro Leão

Mr. Nicolaas Schrijver

Prior to the fifty-fourth session:

Mr. Aslan Abashidze

Ms. Virginia Bras Gomes (Chair)

Mr. Jaime Marchán Romero

Mr. Ariranga Pillay

Ms. Heisoo Shin

12. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 26 to 30 May 2014 and from 1 to 5 December 2014. The working group identified additional issues that could be addressed to the reporting States and lists of such questions were transmitted to the permanent missions of the States concerned.

E. Organization of work

13. In accordance with rule 8 of its rules of procedure, the Committee considered the provisional agenda and tentative programme of work for its fifty-second and fifty-third sessions at the first meeting of each session and approved them, as amended, during consideration.

F. Next sessions

14. In accordance with the established schedule, taking into account the additional meeting time pursuant to General Assembly resolution 68/268, the fifty-fourth, fifty-fifth and fifty-sixth sessions will take place at the United Nations Office at Geneva from 23 February to 6 March 2015, from 1 to 19 June 2015 and from 21 September to 9 October 2015 respectively.

G. Reports of States parties scheduled for consideration by the Committee on Economic, Social and Cultural Rights at its upcoming sessions

15. In accordance with rule 61, paragraph 2, of the rules of procedure of the Committee, the reports submitted by States parties under article 16 of the Covenant are, in principle, scheduled for consideration in the order in which they have been received by the Secretary-General. As at 28 November 2014, the closing date of the fifty-third session, the Committee had received the following reports, which it decided to consider at its fifty-fourth, fifty-fifth and fifty-sixth sessions.

Fifty-fourth session (23 February–6 March 2015)	
The Gambia	E/C.12/GMB/1
Paraguay	E/C.12/PRY/4
Tajikistan	E/C.12/TJK/2-3

Fifty-fifth session (1–19 June 2015)	
Chile	E/C.12/CHL/4
Ireland	E/C.12/IRL/3
Kyrgyzstan	E/C.12/KGZ/2-3
Mongolia	E/C.12/MNG/4
Thailand	E/C.12/THA/1-2
Uganda	E/C.12/UGA/1
Venezuela (Bolivarian Republic of)	E/C.12/VEN/3

Fifty-sixth session (21 September–9 October 2015)	
Burundi	E/C.12/BDI/1
Greece	E/C.12/GRC/2
Guyana	E/C.12/GUY/2-4
Iraq	E/C.12/IRQ/4
Italy	E/C.12/ITA/5
Morocco	E/C.12/MAR/4
Sudan	E/C.12/SDN/2

16. The Committee has decided to look into the situation of long-overdue reports and indicates below which States have long-overdue initial reports. At present 31 States parties have initial reports overdue for submission to the Committee. Of those reports, 21 are more than 10 years overdue. The list of States parties with initial reports that are overdue by more than 10 years is as follows: Bangladesh, Burkina Faso, Cabo Verde, Central African Republic, the Congo, Côte d'Ivoire, Dominica, Eritrea, Equatorial Guinea, Ghana, Grenada,

Guinea, Guinea-Bissau, Lesotho, Malawi, Mali, Niger, Saint Vincent and the Grenadines, Seychelles, Sierra Leone and Somalia.

17. As at 28 November 2014, the number of reports submitted and pending consideration before the Committee was 27.

Chapter II
Overview of the present working methods of the Committee on Economic, Social and Cultural Rights

18. The present chapter is aimed at providing a concise and up-to-date overview and explanation of the way in which the Committee carries out its various functions, including information about recent developments in its working methods. It is also intended to provide information on the impact of measures adopted by the Committee to address the backlog. It is designed to make the current practice of the Committee more transparent and readily accessible to States parties and others interested in the implementation of the Covenant.

19. The Committee has been making a concerted effort to devise appropriate working methods that adequately reflect the nature of the tasks with which it has been entrusted. In the course of its fifty-one sessions it has sought to modify and develop those methods in the light of its experience. Those methods will continue to evolve taking into account General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, adopted on 9 April 2014.

A. Impact of measures adopted by the Committee to address the backlog

20. In accordance with the request of Economic and Social Council contained in paragraph 2 of its resolution 2012/29, the Committee is pleased to provide information on the impact of measures taken to address the backlog of reports pending consideration. It is noteworthy that the number of reports pending consideration has been reduced for the first time in many years.

21. The Committee has informed the Council of its efforts to increase the number of reports considered at each session by reducing the number of meetings for the consideration of each periodic report from three to two, on a trial basis (E/2012/22-E/C.12/2011/3, para. 1). This measure has allowed the Committee to consider a greater number of reports. To adapt to this new procedure, the Committee has also taken a number of steps related to its internal working methods, so as to allow it to deal with the increased workload.

22. The additional meeting time has allowed the Committee to consider approximately six additional reports during the two extra weeks (distributed equally in 2013 and 2014). The two methods combined have significantly reduced the backlog, bringing down the number of reports pending from 42 two years ago to 29 at the time of the adoption of the present report.

23. In addition, and following the adoption of General Assembly resolution 68/268, the Committee will now also have additional meeting time for the period 2015–2017. This will allow the Committee to consider up to twenty reports per year.

24. While the Committee is progressively dealing with the backlog, the Committee cannot anticipate with certainty the number of reports to be submitted annually and the backlog which may result therefrom.

B. General reporting guidelines

25. The Committee attaches major importance to the need to structure the reporting process and the dialogue with the representatives of each State party in such a way as to ensure that the issues of principal concern to the State party are dealt with in a methodical and informative manner. For this purpose, in 2008 the Committee adopted revised reporting guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the Covenant,[1] with a view to assisting States parties in the reporting process and improving the effectiveness of the monitoring system as a whole, particularly by emphasizing the need for States parties to report on the impact of the measures taken to respect, protect and fulfil the rights enshrined in the Covenant.

C. Examination of the reports of States parties

1. Work of the pre-sessional working group

26. A pre-sessional working group meets for five days prior to each session of the Committee. It is composed of five members of the Committee nominated by the Chair, taking account of the desirability of a balanced geographical distribution and other relevant factors.

27. The principal purpose of the working group is to identify in advance additional questions that will assist the Committee in preparing for the dialogue with the representatives of the reporting States. The aim is to improve the efficiency of the system and to ease the task of the representatives of States parties by facilitating more focused preparations for the discussion.[2]

28. With regard to its own working methods, the working group, in the interests of efficiency, allocates to each of its members the initial responsibility for undertaking a detailed review of a specific State party report and for putting before the working group a preliminary list of issues. Each draft by a country rapporteur is revised and supplemented on the basis of observations by the other members of the working group and the final version of the list is adopted by the working group as a whole. This procedure applies equally to both initial and periodic reports.

29. In preparation for the pre-sessional working group, the Committee has asked the secretariat to place at the disposal of its members a country analysis, as well as all pertinent documents containing information relevant to each of the reports to be examined. For this purpose, the Committee invites all concerned individuals, bodies and NGOs to submit relevant and appropriate documentation to the secretariat.

30. The lists of issues drawn up by the working group are sent to the State party concerned.

2. Consideration of reports

31. In accordance with the established practice of each of the human rights treaty monitoring bodies, representatives of the reporting States should be present at the meetings of the Committee when their reports are examined, in order to ensure a constructive dialogue. The following procedure is generally observed: the representative of the State

[1] *Official Records of the Economic and Social Council, 2009, Supplement No. 2* (E/2009/22-E/C.12/2008/3), annex VIII.

[2] Ibid., *1988, Supplement No. 4* (E/1988/14-E/C.12/1988/4), chap. IV, para. 361.

party is invited to introduce the report by making brief comments and providing any new information that may be relevant to the dialogue and the Rapporteur of the Committee for the State Party introduces the dialogue making a concise appreciation of the report, signalling gaps and advancing a set of initial questions. The Committee then considers the report by clusters of articles (usually articles 1–5, 6–9, 10–12 and 13–15), taking particular account of the replies furnished in response to the list of issues. The Chair will normally invite questions or comments from members of the Committee and then invite the representatives of the State party to reply immediately to questions that do not require further reflection or research. Any remaining questions are taken up at a subsequent meeting or, if necessary, may be the subject of additional information provided to the Committee in writing within a given time frame. Members of the Committee are free to pursue specific issues in the light of the replies thus provided, but avoiding repetition of questions already posed or answered, or speaking for more than five minutes in any one intervention.

32. The final phase of the examination of the report by the Committee consists of the drafting and adoption of its concluding observations. With the assistance of the secretariat, the country rapporteur prepares a draft set of concluding observations for consideration by the Committee, which is circulated for comments prior to adoption. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

33. The concluding observations, once formally adopted, are forwarded as soon as possible to the State party concerned and made public.

34. At its forty-sixth session in May 2011, the Committee agreed, in principle and on a temporary basis, to devote only two meetings to the consideration of periodic reports, with a view to preventing the backlog of reports pending consideration from growing, while at the same time requesting additional meeting time from the Economic and Social Council. Accordingly, at the fifty-second and fifty-third sessions, the Committee considered the periodic reports of Armenia, China, the Czech Republic, El Salvador, Finland, Guatemala, Lithuania, Monaco, Nepal, Portugal, Romania, Slovenia, Serbia, Ukraine, Uzbekistan and Viet Nam over two meetings only. The initial reports of Indonesia and Montenegro were considered over three meetings.

3. Comments by States parties on concluding observations

35. Once the Committee has adopted its concluding observations on the report of a State party, and if the latter submits any comments thereon to the Committee, these are made public, as submitted, and listed in the annual report. Comments from States parties are published for information purposes only.

36. During the reporting period, the Committee received comments from Uzbekistan on the concluding observations that the Committee had adopted at its fifty-second session in relation to the second periodic report submitted by Uzbekistan (E/C.12/UZB/CO/2).

4. Postponement of the consideration of reports

37. Last-minute requests by States to postpone the consideration of a report that has been scheduled for examination at a particular session are extremely disruptive for all concerned and have in the past caused major problems for the Committee. Accordingly, the long-standing policy of the Committee is not to grant such requests and to proceed with its consideration of all scheduled reports, even in the absence of a representative of the State party concerned.

D. Follow-up procedure in relation to the consideration of reports

38. At its 53rd meeting, held on 1 December 1999 (twenty-first session), the Committee decided that:

(a) In all concluding observations, the Committee would request the State party to inform the Committee, in its next periodic report, of the steps taken to implement the recommendations in the concluding observations;

(b) Where appropriate, the Committee might, in its concluding observations, make a specific request to a State party to provide more information or statistical data at a time prior to the date on which the next periodic report is due to be submitted;

(c) Where appropriate, the Committee might, in its concluding observations, ask the State party to respond to any pressing specific issue identified in the concluding observations prior to the date on which the next report is due to be submitted;

(d) Any information provided in accordance with (b) and (c) above would be considered by the next meeting of the pre-sessional working group;

(e) In general, the pre-sessional working group could recommend that the Committee take one of the following measures:

(i) That the Committee take note of such information;

(ii) That the Committee adopt specific additional concluding observations in response to that information;

(iii) That the matter be pursued through a request for further information;

(iv) That the Chair of the Committee be authorized to inform the State party, in advance of the next session, that the Committee would take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome;

(f) If the information requested in accordance with (b) and (c) above is not provided by the specified date, or is patently unsatisfactory, the Chair, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party.

39. In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach. In particular, the Committee may request that the State party concerned accept a visit from one or two members of the Committee.

40. This procedure has already been applied in relation to two States parties and the Committee considers the experience to have been a very positive one in both instances.

E. Procedure in response to non-submitted and considerably overdue reports

41. The Committee believes that persistent non-reporting by States parties undermines one of the foundations of the Covenant.

42. Accordingly, the Committee resolved at its sixth session to consider the situation concerning the implementation of the Covenant in respect of each State party whose reports were very significantly overdue. At its seventh session, it resolved to begin scheduling consideration of such reports at its future sessions and to notify the States parties concerned. At its thirty-sixth session, the Committee adopted the following procedure:

(a) To review three lists of States parties whose reports were overdue;

(i) States parties with reports that were due within the past 8 years;

(ii) States parties with reports that were due from 8 to 12 years previously;

(iii) States parties with reports that were due more than 12 years previously;

(b) To send reminders to States parties as follows:

(i) The first letter would be sent to all States parties about the dates on which their reports were due; those with overdue reports would be reminded and requested to submit those reports as soon as possible;

(ii) A second letter would be sent to those States parties with the most overdue reports that did not respond to the reminder, informing them that the Committee planned to consider the overdue report(s) at a specific session in the future, and requesting that those reports be submitted in sufficient time to allow a constructive dialogue to take place;

(iii) A third letter would be sent if no response was received to the second letter, confirming that the Committee would proceed to review the implementation of the Covenant in the State party, in the absence of a report, at the session communicated in the earlier letter in the light of all available information;

(c) In situations where the State party concerned indicated that a report would be provided to the Committee, and upon a request from the State party, the Chair might decide to defer consideration of the implementation of the Covenant in the State party for one session.

F. Submission of several reports in one document

43. At its 55th meeting, held on 22 November 2006 during its thirty-seventh session, the Committee reviewed the situation of overdue reports, including recent submissions of several long-overdue reports, and decided as follows:

(a) The Committee would accept from States parties that had never submitted a report under the Covenant, a one-time submission of up to three reports consolidated in a single document, in order to bring them up to date with their reporting obligations;

(b) A consolidated report should contain a general overview of important developments in relation to the implementation of the Covenant over the entire period covered by the report submitted and present up-to-date detailed information on the present situation.

44. At its 28th meeting, held on 18 May 2012, during its forty-eighth session, the Committee decided to review the situation of accepting combined reports. The Committee decided that each State party report would constitute one report rather than be considered as a combination of several reports. The Committee also decided to define the due date of the next periodic report as five years following the date of the dialogue with the State party, rather than generate due dates every five years, irrespective of the date of the submission of the report or of the dialogue. This is a temporary measure, which takes into account the delays caused by the significant backlog of reports pending consideration before the Committee.

G. Action by the Committee with regard to information on economic, social and cultural rights received from sources other than States parties

1. Information provided in connection with the consideration by the Committee of a State party report

45. The Committee also takes into account the information provided to it by sources other than the State party in connection with its consideration of a State party report. That information, being an integral part of the constructive dialogue with a State party, is made available by the secretariat to the State party concerned through the web page of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in advance of the consideration by the Committee of the report of that State party.

2. Information received following consideration by the Committee of a State party report and adoption of concluding observations

46. On various occasions in the past, the Committee has received information, mainly from NGOs, after consideration of a State party report and adoption of concluding observations thereon. In practice, this has generally been follow-up information on the conclusions and recommendations of the Committee. Not being in a position to consider and act upon such information without reopening its dialogue with a State party, the Committee will consider the information received from sources other than a State party only in cases where such information has been specifically requested in its concluding observations.

47. The Committee considers that, following its consideration of a State party report and the adoption of its concluding observations, the primary responsibility for their implementation lies with the State party, which is bound to report on measures taken in this respect to the Committee in its next periodic report. The Committee therefore recommends that the information referred to in the preceding paragraph be submitted by the authors directly to the national competent authorities with a view to assisting them in implementing the concluding observations of the Committee.

3. Information provided with respect to non-reporting States parties

48. The Committee has also received information from international and national NGOs on the status of the implementation of economic, social and cultural rights by:

(a) States parties that have not submitted a report at all since their ratification of the International Covenant on Economic, Social and Cultural Rights and its entry into force;

(b) States parties with long-overdue periodic reports.

49. In both cases, the failure of States parties to comply with their obligations under the Covenant, and in particular with their reporting obligations, has made it impossible for the Committee to monitor effectively the implementation by those States of the economic, social and cultural rights set forth in the Covenant, in accordance with the mandate conferred on the Committee by the Economic and Social Council.

50. At its thirtieth session in May 2003, the Committee, in a spirit of open and constructive dialogue with States parties, decided that, in both the cases referred to above, the Committee might, through a letter from the Chair, bring to the attention of the State party concerned the information received and urge the State party to submit its overdue report without further delay, addressing the issues raised in the submissions of NGOs. That letter would also be made available to the NGOs concerned upon request.

H. Day of general discussion

51. The Committee may decide to devote one day of a session, usually the Monday of the third week, to a general discussion of a particular right or a particular aspect of the Covenant. The purpose is threefold: such a general discussion assists the Committee in developing in greater depth its shared understanding of the relevant issues; it enables the Committee to encourage inputs into its work from all interested parties; and it helps the Committee to lay the basis for a future general comment.

I. Other consultations

52. The Committee has sought to coordinate its work with that of other bodies to the greatest extent possible and to draw as widely as it can on available expertise in the fields of its competence. The Committee has also sought to draw on the expertise of the relevant specialized agencies and United Nations bodies, as well as of special procedures mandate holders of the Human Rights Council and chairs and members of the working groups and other bodies of the Council.

J. Participation of non-governmental organizations in the work of the Committee

53. In order to ensure that the Committee is as well-informed as possible, it provides opportunities for NGOs to submit relevant information to it.[3] They may do so in writing at any time prior to the consideration of the report of a given State party. The pre-sessional working group is also open to the submission of information in person or in writing from any NGO, provided that it relates to matters on the agenda of the working group. In addition, as of November 2012, the Committee sets aside part of the first two (or three) Mondays at each of its sessions to enable representatives of NGOs to provide oral information. Such information should: (a) focus specifically on the provisions of the Covenant; (b) be of direct relevance to matters under consideration by the Committee; (c) be credible; (d) not be abusive. The relevant meeting is open and provided with interpretation and press services.

54. The Committee has requested the secretariat to ensure that written information formally submitted to it by NGOs in relation to the consideration of a specific State party report is made available as soon as possible to the representatives of the State party concerned. Prior to a session, this is normally done by posting it on the OHCHR website. The Committee therefore assumes that if any of this information is referred to during the dialogue with the State party, the latter will already be aware of the information.

K. General comments

55. In response to an invitation addressed to it by the Economic and Social Council, the Committee decided to begin, as from its third session, the preparation of general comments on the various rights and provisions of the Covenant, in particular with a view to assisting States parties to fulfil their obligations under the Covenant. As at 28 November 2014, the

[3] *Official Records of the Economic and Social Council, 2001, Supplement No. 2* (E/2001/22-E/C.12/2000/21), annex V.

Committee had adopted 21 general comments (E/2013/22, annex III, and http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx).

56. Through its general comments, the Committee endeavours to make the experience gained through examination of the reports of States parties available for the benefit of all States parties, in order to assist and promote the further implementation of the Covenant; draw their attention to inadequacies disclosed by a large number of reports; suggest improvements in the reporting procedures; and encourage States parties, international organizations and the specialized agencies concerned to achieve progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions drawn therefrom, revise and update its general comments.

57. At its twenty-first session, the Committee adopted the outline for drafting general comments on specific rights enshrined in the Covenant.[4] The Committee agreed that the subject matter of a particular general comment would influence the overall structure of that comment and observed that the outline was not intended to be strictly adhered to. However, the outline provided useful signposts and a checklist of issues to be considered in the process of drafting a general comment. In this respect, the outline would assist in ensuring consistency in the content, format and ambit of general comments to be adopted by the Committee. The Committee emphasized the importance of ensuring that general comments were reader-friendly, of reasonable length and readily understandable to a broad range of readers, primarily States parties to the Covenant. The outline would assist in ensuring consistency and clarity in the structure of the general comments, thus promoting their accessibility, and strengthening the authoritative interpretation of the Covenant provided by the Committee through its general comments.

58. At its fifty-second session, Mr. Ribeiro Leão, who the Committee had entrusted with the task of reviewing the format of the general comments, taking into account past experience and present challenges in drafting them, presented some preliminary information about this process.

L. Statements and letters adopted by the Committee

59. With a view to assisting States parties to the Covenant, the Committee adopts statements to clarify and confirm its position with respect to major international developments and issues with a bearing on the implementation of the Covenant. As at 28 November 2014, the Committee had adopted 21 statements. The Chair of the Committee has also addressed open letters to States Parties to the Covenant on issues of particular interest, such as on the post-2015 development agenda and on economic, social and cultural rights and the economic and financial crisis and related austerity measures (see E/2013/22-E/C.12/2012/3, annexes IV and VI, respectively, and http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx).

[4] *Official Records of the Economic and Social Council, 2000, Supplement No. 2* (E/2000/22-E/C.12/1999/11 and Corr.1), annex IX.

Chapter III
Submission of reports by States parties under articles 16 and 17 of the Covenant

60. In accordance with rule 58 of its rules of procedure, the Committee, at its 41st meeting on 10 November 2014, considered the status of submission of reports under articles 16 and 17 of the Covenant.

61. In that connection, the Committee had before it the following documents:

(a) Note by the Secretary-General on the revised general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/2008/2);

(b) Note by the Secretary-General on the States parties to the Covenant and the status of submission of reports as at 15 July 2013 (E/C.12/53/2).

62. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its fifty-second and fifty-third sessions (see paras. 63 and 64 below), between 30 November 2013 and 28 November 2014 he had received the following reports submitted under articles 16 and 17 of the Covenant by States parties:

The initial report of Namibia; the second periodic report of Honduras, the combined second to fourth periodic report of the former Yugoslav Republic of Macedonia, the combined fourth and fifth periodic report of Angola; the fifth periodic report of Costa Rica , the combined fifth and sixth periodic report of the Philippines and the sixth periodic reports of Cyprus and of the United Kingdom of Great Britain and Northern Ireland.

Chapter IV
Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant

63. At its fifty-second session, the Committee examined the following reports submitted by 10 States parties under articles 16 and 17 of the Covenant:

Initial report	
Indonesia	E/C.12/IDN/1
Second periodic report	
China	E/C.12/CHN/2 E/C.12/CHN-HKG/3 E/C.12/CHN-MAC/2
Czech Republic	E/C.12/CZE/2
Lithuania	E/C.12/LTU/2
Serbia	E/C.12/SRB/2
Uzbekistan	E/C.12/UZB/2
Combined second and third periodic reports	
Armenia	E/C.12/ARM/2-3
Monaco	E/C.12/MCO/2-3

Combined third to fifth reports	
El Salvador	E/C.12/SLV/3-5
Sixth periodic report	
Ukraine	E/C.12/UKR/6

64. At its fifty-third session, the Committee examined the following reports submitted by eight States parties under articles 16 and 17 of the Covenant:

Initial report	
Montenegro	E/C.12/MNE/1
Second periodic report	
Slovenia	E/C.12/SVN/2
Combined second, third and fourth periodic reports	
Viet Nam	E/C.12/VNM/2-4
Third periodic report	
Guatemala	E/C.12/GTM/3
Nepal	E/C.12/NPL/3
Combined third, fourth and fifth periodic reports	
Romania	E/C.12/ROU/3-5
Fourth periodic report	
Portugal	E/C.12/PRT/4
Sixth periodic report	
Finland	E/C.12/FIN/6

65. At its eighth session, the Committee decided to discontinue its practice of including in its annual report summaries of the consideration of country reports. Reference is made, in this regard, to the relevant summary records of the meetings of the Committee at which the reports were considered. The Committee prepared concluding observations on each of the reports considered. The concluding observations listed below are accessible at http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx and on the official document system of the United Nations. In accordance with established Committee practice, members do not take part in the dialogue with the delegation, the drawing up or the adoption of the concluding observations relating to the report of their own country.

Fifty-second session concluding observations

State party	*Symbol*
Armenia	E/C.12/ARM/CO/2-3
China	E/C.12/CHN/CO/2
Czech Republic	E/C.12/CZE/CO/2

State party	*Symbol*
El Salvador	E/C.12/SLV/CO/3-5
Indonesia	E/C.12/IDN/CO/1
Lithuania	E/C.12/LTU/CO/2
Monaco	E/C.12/MCO/CO/2-3
Serbia	E/C.12/SRB/CO/2
Ukraine	E/C.12/UKR/CO/6
Uzbekistan	E/C.12/UZB/CO/2

Fifty-third session concluding observations

State party	*Symbol*
Finland	E/C.12/FIN/CO/6
Guatemala	E/C.12/GTM/CO/3
Montenegro	E/C.12/MNE/CO/1
Nepal	E/C.12/NPL/CO/3
Portugal	E/C.12/PRT/CO/4
Romania	E/C.12/ROU/CO/3-5
Slovenia	E/C.12/SVN/CO/2
Viet Nam	E/C.12/VNM/CO/2-4

Chapter V
Activities of the Committee under the Optional Protocol

66. Following the establishment, at its fifty-first session, of a five-member working group for communications with representation from each regional group, at its fifty-second session, the Committee elected Ms. Shin as Chair-Coordinator of the working group. Ms. Shin presented reports on the activities of the working group to the Committee at fifty-second and fifty-third sessions. At the time of the adoption of the present report, the Committee had registered four communications pursuant to the Optional Protocol, which are pending consideration. At its fifty-third session, the Committee considered the admissibility of communication No. 1/2013 and declared it admissible, inviting the parties to submit observations and information on the merits.

Chapter VI
Substantive issues arising in the implementation of the Covenant

Cooperation with specialized agencies: informal meeting with the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization

67. During its fifty-third session, in November 2014, the Committee held its twelfth annual informal meeting with the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO). It was once again hosted by the Friedrich Ebert Foundation. On this occasion, the focus of the discussions was "Economic, social and cultural rights and the post-2015 development agenda. The speakers, who included experts from both committees as well as representatives of the ILO and OHCHR, sought to discuss the outcome document of the Open Working Group on Sustainable Development Goals, with a focus on Goal 8, and to discuss possible input of the respective committees to that draft, as well as the potential impact of the framework for their work. Furthermore, the committees' members discussed ideas for future interaction and exchange of views if the committees would not have the opportunity to meet, since their sessions would not coincide in 2015.

Chapter VII
Additional decisions adopted and matters discussed by the Committee at its fifty-second and fifty-third sessions

A. Participation in intersessional meetings

68. Members of the Committee continued to participate in, and/or contribute in different capacities to, initiatives for a better understanding and implementation of the Covenant, promoted by different stakeholders. Requests for such participation are addressed to the members either directly or through the secretariat.

B. Future general comments and statements

69. The Committee continued to discuss work on general comments. With respect to the general comment related to article 7 of the Covenant on just and favourable conditions of work, Ms. Bras Gomes and Mr. Ribeiro Leão, the rapporteurs for that general comment, informed the Committee of the activities they had undertaken to date and presented a preliminary outline. Following positive feedback from the Committee, work on a first draft was under way and the draft was due for discussion in 2015. Regarding the drafting of the general comment on the right to sexual and reproductive health, for which Ms. Shin accepted the task of rapporteur, core elements for that general comment were presented to the Committee at the fifty-second session. The members exchanged views on the core elements paper, which was generally very well received. At the fifty-third session, a discussion of a first draft circulated by Ms. Shin in advance of the session, in which she replied to initial questions, took place among the members. Discussions on that general comment will continue at the next session.

70. Regarding proposals for other general comments, Mr. Kedzia, rapporteur for a general comment on State obligations in the context of corporate activities, circulated a

concept note during the fifty-third session, which was well received by Committee members, who asked the rapporteur for clarification on some issues and that he pursue work on that general comment. In relation to the other two proposed general comments, on article 15, paragraph 1 (b) on the right to enjoy the benefits of scientific progress and its applications, (rapporteur, Mr. Mancisidor); and on the pertinence of the Covenant rights to the environment and development (rapporteur, Mr. Schrijver), background research is being carried out.

C. Working methods of the Committee

71. The Committee continued to discuss its working methods during the session, in the light of the adoption by the General Assembly of resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system on 9 April 2014.

72. The Committee had before it the three notes (HRI/MC/2014/2; HRI/MC/2014/3; HRI/MC/2014/4) prepared by the secretariat for the twenty-sixth meeting of chairpersons of the human rights treaty bodies, held from 23 to 27 June 2014. The notes relate to a number of issues discussed in the context of the treaty body strengthening process and addressed in General Assembly resolution 68/268. The issues relate specifically to the simplified reporting procedure, the constructive dialogue with States parties and concluding observations. The Committee members welcomed the opportunity to have an exchange of views and share thoughts with the Chair of the Committee in advance of the meeting of the chairpersons.

73. Regarding the simplified reporting procedure, the Committee agreed at its fifty-second session to pilot the procedure. During the fifty-third session, the Committee decided to offer the option of a simplified reporting procedure to States parties who are scheduled to submit their third or later periodic report in 2017. Based on that criteria, nine states from different geographic regions will be contacted in this pilot phase.

74. At the fifty-third session, the Chair reported back to the Committee about the meeting of chairpersons of the human rights treaty bodies, including the recommendations contained therein. In that context, and as recommended by the chairpersons, the Committee appointed a focal point on reprisals, to follow-up on reports of reprisals faced by individuals seeking to cooperate with the Committee.

75. The Committee also discussed other aspects of the General Assembly resolution which are related more closely to its work, such as the issues of working languages, word limits of documents, capacity-building and meeting time. With regard to working languages, the Committee agreed to maintain its four working languages, exceptionally, in accordance with paragraph 30 of the resolution.

76. Regarding the time allocated for briefings, the Committee agreed to allow time for interaction with civil society, United Nations bodies and other partners on the first day of the week of the first two or three weeks of each session, owing to the higher number of reports being considered at each session and in accordance with practices observed by other treaty bodies. The Committee is of the view that this will contribute to increasing the impact of the reporting process at the national level through the increased engagement of national-level stakeholders before and after its consideration of State party reports.

77. Pursuant to its decision related to the proposed guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines, A/67/222, annex I) adopted at its fifty-first session (E/2013/22-E/C.12/2012/3, annex VIII) the Committee adopted guidelines which are reproduced in annex III to the present report.

Chapter VIII
Other activities of the Committee in 2014

78. The members of the Committee participated in an informal workshop with other experts on the adjudication of economic, social and cultural rights, which was held on 17 and 18 May 2014 and organized by, and with the support of, the Friedrich Ebert Foundation in cooperation with OHCHR.

79. On 20 November 2014, the Committee members were invited by the Geneva Academy on International Humanitarian Law and Human Rights, in the context of the platform for members of treaty bodies, for an informal discussion on the extra-territoriality under human rights law and international humanitarian law, and scope of its geographical application.

80. On 21 November 2014, a Committee member also attended an informal briefing with representatives of the Global Coalition for Social Protection Floors, the United Nations Research Institute for Social Development, the Programme on Women's Economic, Social and Cultural Rights and the Friedrich Ebert Foundation on "The social protection floor: a critical step in realizing the right to universal social security for all".

81. On 28 November 2014, the Committee met with the Chair of the Permanent Forum on Indigenous Issues Ms. Dalee Sambo and discussed issues of common interest, including in the light of the fourteenth session of the Permanent Forum on Indigenous Issues, which will be dedicated to economic, social and cultural rights.

Chapter IX
Adoption of the report

82. At its 70th meeting, held on 28 November 2014, the Committee considered its draft report to the Economic and Social Council on the work of its fifty-second and fifty-third sessions. The Committee adopted the report as amended during the discussions.

Annexes

Annex I

Members of the Committee

Name	*Nationality*	*Term expires on 31 December*
Mr. Aslan **Abashidze***	Russian Federation	2014
Mr. Mohamed Ezzeldin **Abdel-Moneim**	Egypt	2016
Mr. Clement **Atangana***	Cameroon	2014
Ms. Maria Virginia **Bras Gomes*** (Rapporteur)	Portugal	2014
Mr. Shiqui **Chen****	China	2016
Mr. Chandrashekhar **Dasgupta*** (Vice-Chair)	India	2014
Mr. Azzouz **Kerdoun*** (Vice-Chair)	Algeria	2014
Mr. Zdzislaw **Kedzia** (Chair)	Poland	2016
Mr. Mikel **Mancisidor**	Spain	2016
Mr. Jaime **Marchán Romero**	Ecuador	2014
Mr. Sergei **Martynov**	Belarus	2016
Mr. Ariranga Govindasamy **Pillay**	Mauritius	2016
Mr. Renato Zerbini Ribeiro **Leão*** (Vice-Chair)	Brazil	2014
Ms. Lydia Carmelita **Ravenberg**	Suriname	2016
Mr. Waleed **Sadi**	Jordan	2016
Mr. Nicolaas **Schrijver**	Netherlands	2016
Ms. Heisoo **Shin***	Republic of Korea	2014
Mr. Alvaro **Tirado Mejia**	Colombia	2014

* Member re-elected in 2014 until 31 December 2018.

** The Economic and Social Council, at its 50th meeting, held on 17 November, elected Mr. Shiqiu (China), for a term of office beginning on the date of election and expiring on 31 December 2016, to replace Ms. Cong Jun (China), who had resigned from her seat (Council decision 2014/201 B).

Annex II

Agendas of the Committee at its fifty-second and fifty-third sessions

A. Agenda of the fifty-second session of the Committee on Economic, Social and Cultural Rights (28 April–23 May 2014)

1. Adoption of the agenda.
2. Organization of work.
3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.
4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.
5. Relations with United Nations organs and other treaty bodies.
6. Consideration of reports:
   (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;
   (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.
7. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.
8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.
9. Miscellaneous matters.

B. Agenda of the fifty-third session of the Committee on Economic, Social and Cultural Rights (10–28 November 2014)

1. Adoption of the agenda.
2. Organization of work.
3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.
4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.
5. Relations with United Nations organs and other treaty bodies.
6. Consideration of reports:
   (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;
   (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

9. Consideration of communications under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

10. Miscellaneous matters.

Annex III

Guidelines on the independence and impartiality of members

Pursuant to the decision adopted at its fifty-first session to elaborate guidelines on the independence and impartiality of its members,

Building on its rules of procedure and practice, and in the spirit of the guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines),

Taking note of General Assembly resolution 68/268 and acting in light of its recommendations,

Decides as follows:

1. A member holding the nationality of one or more State party in addition to that of the nominating State party, shall inform the Committee, through the Chairperson, of his or her dual or multiple national affiliations at the earliest opportunity.

2. A member shall not be present during any non-public meetings, deliberations, consultations, or briefings related to the dialogue (including at a pre-sessional working group) on the report of a State party of which s/he is a national. The member may be present as an observer at public meetings relating to the dialogue but shall not participate or influence in any way the preparation, course or outcome of the dialogue.

3. A member shall not, without prior consent of the Committee, solicit or accept an invitation from a State party for a familiarization visit in connection with its report to the Committee.

4. A member shall not serve as a paid consultant/adviser to any State party, or any other interested party, in connection with the preparation or consideration of a State party's report or communication under the Optional Protocol to the Committee.

5. When a member participates in an individual capacity in any other human rights activities of other bodies, such as panels, training courses and academic seminars, s/he shall make it clear that the views expressed by him or her are his or her own and not those of the Committee, unless s/he has been expressly mandated by the Committee.

6. If for any reason, a member considers that s/he could be facing a potential conflict of interest in any matter concerning the Committee, s/he shall inform the chairperson, who may, if necessary, consult the Committee on appropriate measures to safeguard the requirements of independence and impartiality.

GE.15-09510
1509510